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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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8 LAURICE MCCURDY,  
9 Plaintiff,

2:08-CV-01742-PMP-PAL

10 vs.

**ORDER**

11 LEROY KIRKEGARD, et al.,  
12 Defendants.  
13

14 Before the Court for consideration is Defendant Corrections Corporation of  
15 America's fully briefed Motion to Dismiss Plaintiff's Amended Complaint (Doc.  
16 #43), filed on June 1, 2010.

17 In support of its motion Defendant first contends that Plaintiff McCurdy's  
18 *Bivens* action cannot be asserted against a corporate government contractor.  
19 Correctional Srvcs. Corp. v. Malesko, 534 U.S. 61, (2001). Additionally, Defendant  
20 Corrections Corporation of America argues that Plaintiff has failed to satisfy his  
21 burden of showing it is subject to the personal jurisdiction of this Court under  
22 Nevada's Long-Arm Statute, NRS 14.065. Finally, Defendant Corrections  
23 Corporation of America argues that Plaintiff McCurdy's claims against it are barred  
24 by the applicable two year statute of limitations.


25 The Court finds that Plaintiff McCurdy has failed to adequately respond to  
26 the arguments advanced by Defendant Corrections Corporation of America, and that

1 for the reasons set forth in Defendant's motion and reply memorandum, Defendant is  
2 entitled to the relief requested.

3 **IT IS THEREFORE ORDERED that** Defendant Corrections  
4 Corporation of America's Motion to Dismiss Plaintiff's Amended Complaint (Doc.  
5 #43) is **GRANTED**.

6 **IT IS FURTHER ORDERED that** Defendant Corrections Corporation of  
7 America's Motion to Strike Plaintiff's Sur-Response to Defendant's Motion to  
8 Dismiss (Doc. #81) is **DENIED** as moot.

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10 DATED: September 3, 2010.

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13 PHILIP M. PRO  
14 United States District Judge  
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